

Introduced by Senator Speier

February 22, 2005

An act to add Section 5012 to the Penal Code, and to add Section 1710.5 to the Welfare and Institutions Code, relating to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 620, as introduced, Speier. Youth and adult facilities: random testing and searches.

Existing law provides that the Secretary of the Youth and Adult Corrections Agency has the power of general supervision over, and is directly responsible to the Governor for, the Department of Corrections and the Department of the Youth Authority.

This bill would require the secretary to require that every person who enters the property of the Department of Corrections and the Department of the Youth Authority be subject to random drug detection testing and searches for weapons and contraband. The bill would also require the secretary to develop and implement a uniform protocol for implementing this policy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5012 is added to the Penal Code, to
- 2 read:
- 3 5012. (a) The Secretary of the Youth and Adult Correctional
- 4 Agency shall require that every person who enters property of the
- 5 Department of Corrections or a private vendor be subject to

1 random drug detection testing and searches for weapons and
2 contraband.

3 For purposes of this subdivision “every person” means
4 custodial staff, noncustodial staff, visitors, vendors, state
5 officials, and all other persons authorized to enter these facilities.

6 (b) The secretary shall develop and implement a uniform
7 protocol for random drug detection testing and searches, to be
8 applied consistently at all state operated and privately operated
9 facilities housing state inmates and wards including prisons, and
10 other facilities over which the Department of Corrections has
11 jurisdiction, in order to carry out the requirements of subdivision
12 (a). The protocol shall identify the method and frequency by
13 which drug detection testing and searches will be conducted. The
14 protocol shall include the necessary training for all departmental
15 personnel who will be conducting lawful drug detection tests and
16 searches of another person. No departmental personnel shall
17 conduct a drug detection test or search another person prior to
18 receiving all necessary training required by this subdivision.

19 (c) This section shall not be construed to limit the ability of
20 departmental staff to conduct any other type of drug detection
21 test or search currently being conducted or administered,
22 including mandatory searches of inmates and persons visiting
23 inmates. Imposition of liability, equitable relief, or money
24 damages in a civil proceeding shall not be based solely on a
25 failure to comply with the uniform protocol.

26 SEC. 2. Section 1710.5 is added to the Welfare and
27 Institutions Code, to read:

28 1710.5. (a) The Secretary of the Youth and Adult
29 Correctional Agency shall require that every person who enters
30 the property of a Youth Authority facility operated by the state or
31 a private vendor be subject to random drug detection testing and
32 searches for weapons and contraband.

33 For purposes of this subdivision “every person” means
34 custodial staff, noncustodial staff, visitors, vendors, state
35 officials, and all other persons authorized to enter these facilities.

36 (b) The secretary shall develop and implement a uniform
37 protocol for random drug detection testing and searches, to be
38 applied consistently at all state operated and privately operated
39 facilities housing wards including ranches, camps, schools,
40 institutions, centers, treatment facilities, and other facilities over

1 which the Youth Authority has jurisdiction, in order to carry out
2 the requirements of subdivision (a). The protocol shall identify
3 the method and frequency by which drug detection testing and
4 searches will be conducted. The protocol shall include the
5 necessary training for all departmental personnel who will be
6 conducting lawful drug detection tests and searches of another
7 person. No departmental personnel shall conduct a drug detection
8 test or search another person prior to receiving all necessary
9 training required by this subdivision.

10 (c) This section shall not be construed to limit the ability of
11 departmental staff to conduct any other type of drug detection
12 test or search currently being conducted or administered,
13 including mandatory searches of wards and persons visiting
14 wards. Imposition of liability, equitable relief, or money damages
15 in a civil proceeding shall not be based solely on a failure to
16 comply with the uniform protocol.